

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 6. Certificated Personnel

4  
5 Add Subchapter 7, Article 1, Section 6100 to read:

6 **Subchapter 7. No Child Left Behind Teacher Requirements**

7 **Article 1. General**

8 **§ 6100. Definitions.**

9 For purposes of No Child Left Behind Teacher Requirements, the following definitions shall  
10 apply:

11 (a) Advanced Credentialing: A teacher who has achieved National Board Certification  
12 is considered to have Advanced Credentialing.

13 (b) Credential: A Preliminary, Professional Clear or Life Credential, or any teaching credential  
14 issued under prior statutes, that authorizes a person to teach in California K-12 schools.

15 (c) Elementary, Middle and High School: The local educational agency shall determine, based on  
16 curriculum taught, by school site, or by each grade at the school site, if appropriate, whether a teacher is  
17 hired to teach elementary, middle or high school.

18 (d) First Day of School: The first day of school is the first day of school that students  
19 report to the school per the district school calendar.

20 (e) Hired: A teacher is hired when they accept employment at the school district. The date a  
21 teacher is hired is not affected by a change of assignments or schools within the district. The date a  
22 teacher is hired in a district does not affect a teacher's "new" or "not new" to the profession status.

23 (f) Teacher New to the Profession: A teacher is new to the profession if they have graduated from  
24 an accredited institution of higher education and received a credential, or began an approved intern  
25 program, on or after July 1, 2002.

26 (g) Teacher Not New to the Profession: A teacher is not new to the profession if they graduated  
27 from an accredited institution of higher education and received a credential, or were enrolled in, or had  
28 completed, an approved intern program before July 1, 2002.

29 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
30 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
31 19, 2002.

32  
33 Add Article 2, Sections 6101 through 6104 to read:

34 **Article 2. Elementary Level Teachers**

1     **§ 6101. Elementary Teachers.**

2             A teacher who meets NCLB requirements at the elementary level is one who:

3             (1) Holds at least a bachelor's degree, and

4             (2) Is currently enrolled in an approved intern program for less than three years or has a  
5             credential, and

6             (3) Meets the applicable requirements in Section 6102 or 6103.

7     NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
8     and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
9     19, 2002.

10    **§ 6102. Elementary Teachers New to the Profession.**

11            A teacher who meets the NCLB requirements and is new to the profession at the  
12            elementary level, in addition to having at least a bachelor's degree and either being currently enrolled in  
13            an approved intern program for less than three years or holding a credential, must have passed a validated  
14            statewide subject matter examination certified by the Commission on Teacher Credentialing.

15    NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
16    and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
17    19, 2002.

18    **§ 6103. Elementary Teachers Not New to the Profession.**

19            A teacher who meets NCLB requirements and is not new to the profession at the elementary  
20            level, in addition to having at least a bachelor's degree and either being currently enrolled in an approved  
21            intern program for less than three years or holding a credential, must have completed one of the  
22            following:

23            (1) A validated statewide subject matter examination certified by the Commission on Teacher  
24            Credentialing.

25            (2) In lieu of the high objective uniform state standard evaluation in subsection 3, National Board  
26            Certification.

27            (3) A high objective uniform state standard evaluation conducted pursuant to Section 6104 and in  
28            conjunction with the teacher's evaluation and assessment pursuant to Education Code section 44662, to  
29            determine the teacher's subject matter competence in each of the academic subjects taught by the teacher.

30    NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
31    and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
32    19, 2002.

33    **§ 6104. High Objective Uniform State Standard Evaluation.**

34            (a) The high objective uniform state standard evaluation shall be conducted at the time and by the  
35            means utilized to satisfy Education Code section 44662, except that (1) subject matter shall be defined as  
36            the State Academic Content Standards for the grades and subjects taught, and (2) competency shall be

1 demonstrated by satisfactorily meeting standards 3 and 5.1 of the California Standards for the Teaching  
2 Profession. The demonstration of subject matter competence shall include some combination of the  
3 following:

4 (1) Classroom observation,

5 (2) Demonstration of knowledge of the appropriate grade-level and subject State Academic  
6 Content Standards, and

7 (3) Portfolio review of lesson plans and student work for one academic year.

8 (b) This one time demonstration of subject matter competence shall be evaluated by a person or  
9 persons knowledgeable in the State Academic Content Standards for the grade and subject for which the  
10 teacher is demonstrating competency.

11 (c) If the teacher does not satisfactorily meet standards 3 and 5.1 of the California Standards for  
12 the Teaching Profession as part of the NCLB evaluation, then subject matter competency shall be  
13 demonstrated through completion of the Peer Assistance and Review Program for Teachers or other  
14 individualized professional development plan, pursuant to Education Code section 44664, aimed at  
15 assisting the teacher to meet standards 3 and 5.1 of the California Standards for the Teaching Profession.

16 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
17 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
18 19, 2002.

19  
20 *Add Article 3, Section 6110 to read:*

21 **Article 3. Middle and High School Level Teachers**

22 **§ 6110. Middle and High School Teachers.**

23 A teacher who meets NCLB requirements at the middle and secondary levels is  
24 one who:

25 (1) Holds at least a bachelor's degree, and

26 (2) Is currently enrolled in an approved intern program for less than three years or has a full  
27 credential, and

28 (3) Meets at least one of the applicable requirements in Section 6111 or 6112.

29 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
30 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
31 19, 2002.

32 **§ 6111. Middle and High School Teachers New to the Profession.**

33 A teacher who meets NCLB requirements and is new to the profession at the  
34 middle and high school levels, in addition to having at least a bachelor's degree and either being currently  
35 enrolled in an approved intern program for less than three years or holding a credential in the subject  
36 taught, must have passed or completed one of the following for every core subject currently assigned:

1           (1) A validated statewide subject matter examination certified by the Commission on Teacher  
2 Credentialing,

3           (2) University subject matter program approved by the Commission on Teacher Credentialing,

4           (3) Undergraduate major in the subject taught,

5           (4) Graduate degree in the subject taught, or

6           (5) Coursework equivalent to undergrad major.

7 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
8 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
9 19, 2002.

10 **§ 6112. Middle and High School Teachers Not New to the Profession.**

11           A teacher who meets NCLB requirements and is not new to the profession at the middle and high  
12 school levels, in addition to having at least a bachelor's degree and either being currently enrolled in an  
13 approved intern program for less than three years or holding a credential, must have passed or completed  
14 one of the following for every core subject currently assigned:

15           (1) A validated statewide subject matter examination certified by the Commission on Teacher  
16 Credentialing,

17           (2) University subject matter program approved by the Commission on Teacher Credentialing,

18           (3) Undergraduate major in the subject taught,

19           (4) Graduate degree in the subject taught,

20           (5) Coursework equivalent to undergrad major,

21           (6) Advanced certification or credentialing (National Board Certification), or

22           (7) The high objective uniform state standard evaluation pursuant to Article 2, Section 6104.

23 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
24 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
25 19, 2002.

26  
27 *Add Article 4, Section 6115 to read:*

28 **Article 4. Teachers Not Meeting NCLB Teacher Requirements**

29 **§ 6115. Teachers Not Meeting NCLB Teacher Requirements.**

30           A teacher does not meet the NCLB teacher requirements for the core academic subject taught if:

31           (1) Teaching with an Emergency Permits, or

32           (2) Teaching with a supplemental authorization (except where the supplemental authorization is  
33 based on a major in the subject taught) or a local authorizations for the subject taught, or

34           (3) Teaching with state or local waivers for the grade or subject taught, or

35           (4) Teaching as a pre-intern.

1 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
2 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
3 19, 2002.

4  
5 *Add Article 5, Section 6120 to read:*

6 **Article 5. One Time Compliance**

7 **§ 6120. One Time Compliance.**

8 Once a school district has determined that a teacher meets the NCLB Teacher Requirements for  
9 the grade level and/or subject taught, that teacher will not be required to demonstrate that they meet the  
10 requirements again for the same grade level and/or subject taught, even if they are later hired by another  
11 school district in California.

12 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
13 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
14 19, 2002.

15  
16 *Add Article 6, Section 6125 to read:*

17 **Article 6. Teachers from Out-of-State**

18 **§ 6125. Teachers from Out-of-State.**

19 Teachers who have been found to meet subject matter competency requirements of NCLB in  
20 another State shall also be considered to have met those requirements for that particular subject and/or  
21 grade span in California. California's credentialing reciprocity with other States is not affected by the  
22 requirements of NCLB.

23 NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a)  
24 and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance December  
25 19, 2002.

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